

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES COMMODITY : 11-cv-5191 (GBD)
FUTURES TRADING COMMISSION, :

Plaintiff, :
v. :

ANTHONY J. KLATCH II; AMERICAN PRIVATE : **NOTICE OF MOTION**
EQUITY, LLC; ARM CAPITAL MANAGEMENT, LLC; :
TASK CAPITAL MANAGEMENT, LLC; VIGILANT :
CAPITAL MANAGEMENT, LLC, :

Defendants. :
-----X

PLEASE TAKE NOTICE that upon the Declaration of Robert Knuts, dated October 18, 2011, the exhibits annexed thereto, and the accompanying memorandum of law, the undersigned shall move this Court, before the Honorable George B. Daniels, U.S. Courthouse, 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, for an Order staying all proceedings in this action concerning defendant Anthony J. Klatch II pending the resolution of a criminal proceeding pending in the United States District Court for the Southern District of Alabama entitled *United States v. Anthony J. Klatch II*, 11-cr-202 (WS).

Dated: New York, New York
October 18, 2011

PARK & JENSEN LLP

By: /s/Robert Knuts
Robert Knuts

630 Third Avenue, 7th Floor
New York, New York 10017
(646) 200-6330
rknuts@parkjensen.com

Attorneys for Defendant
Anthony J. Klatch II

TO:

Andrew S. Ridenour, Esq.
U.S. Commodity Futures and Trading Commission
1155 21st Street, N.W.
Washington, DC 20581
(202) 418-5438
aridenour@cftc.gov

Attorneys for Plaintiff

Mark V. Silverio, Esq.
Silverio & Hall, P.A.
255 8th Street South
Naples, FL 34102-6123
(239) 649-1001
msilverio@silveriohall.com

Temporary Receiver for Defendants American Private Equity LLC, ARM Capital Management, LLC, TASK Capital Management LLC and Vigilant Capital Management, LLC